



March 17, 2006

Sean Moore, Development Coordinator
Corporate Office Properties Trust
8815 Centre Park Drive, Suite 400
Columbia, Maryland 21045

Re: Rockville Corporate Center (Celera Site)
15 and 45 West Gude Drive, Rockville, Maryland

Dear Mr. Moore:

The following is submitted in order to clarify the status of development approvals related to the above-referenced property. As you know, the City of Rockville Planning Commission approved Use Permit U-279-83 on October 12, 1983, allowing for the development of 446,000 square feet of office floor area to be built in four buildings.

After consultation with the City Attorney, it has been determined that in order to proceed forward with further development of the property, the Use Permit should be amended to address the requirements of certain laws that have either come into effect, such as the Forest and Tree Preservation Ordinance (FTPO), or been modified since the original approval, including those related to stormwater management, and certain aspects of the Zoning Ordinance such as the removal of compact parking spaces.

Because of the changes in the relevant laws and in light of your proposed changes to the site plan that have been presented to staff, submission of a Use Permit Amendment is required for consideration and action by the Planning Commission.

Please contact Margaret Hall of this office at 240-314-8226 or me if you have any questions or need information. I look forward to working with you on this project.

Sincerely,

R. James Wasilak

R. James Wasilak, AICP
Chief of Planning

Cc: Mayor and Council
Scott Ullery, City Manager
Andy Gordon, King Farm Citizens Assembly
Brad Hess, King Farm Coalition
Art Chambers, Director of Community Planning and Development Services
Margaret Hall, Planner II

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June 19, 2006

Mr. Geoff Ciniero
Johnson, Bernat Associates, Inc.
1395 Piccard Drive, Suite 350
Rockville, Maryland 20850

Subject: Celera Office Site
SMP2006-00036

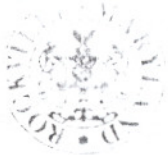
Dear Mr. Ciniero:

Your stormwater management (SWM) concept dated April 4, 2006 for The Corporate Office Properties – Rockville Campus (Celera Office Site) is conditionally approved. The proposed development includes the construction of a new building and additional parking on the 24-acre site. This project disturbs 38% of the total site, so SWM is required only for the disturbed area. The project will require SWM to be addressed for a total of 7.12 onsite impervious acres (3.55 impervious acres in sub-area #1 and 3.57 impervious acres in sub-area #2) plus a portion of the existing Route 355 right-of-way. The SWM concept proposes the following measures:

1. Water Quality Volume (WQ_v) for onsite impervious area to be provided by two underground StormFilters, an MDE-approved proprietary filtration method. The pipe storage for the StormFilters will incorporate a recharge gravel sump underneath of the underground CMPs.
2. Overbank Flood Protection (Qp₁₀) and Channel Protection (Cp_v) will be provided for sub-area #1 (the east area) onsite underground pipe storage. Qp₁₀ and Cp_v for sub-area #2 (the west area) is provided in Watkins Pond, the City's regional SWM pond at King Farm. Runoff from this sub-area drains directly to Watkins Pond, which was sized to provide Cp_v treatment for this site. Therefore, sub-area #2 will use the SWM alternative of a SWM monetary contribution payment of \$142,800 (3.57 impervious acres X \$40,000/impervious acre) since SWM quantity control is provided offsite by others.
3. Adjacent right-of-way for Route 355 must also be included

This SWM concept is approved subject to the following conditions:

1. Post financial security based on the approved SWM construction estimate in a format acceptable to the City Attorney. Approval is coordinated through the Department of Public Works (DPW) staff.



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October 16, 2006

Mr. Sean Moore
Corporate Office Properties Trust
8815 Centre Park Drive, Suite 400
Columbia, Maryland 21045-2272

RE: SWM Concept Review – 15 West Gude Drive
SMP2007-00015

Dear Mr. Moore:

The Department of Public Works (DPW) has completed its review of your stormwater management (SWM) concept plan application for 15 West Gude Drive, which is in the Watts Branch Watershed. The proposed project redevelopment consists of a monumental entrance. The proposed development will result in a total of 2,970 square feet (approximately 0.07 acres) of impervious area being created or replaced.

The SWM concept proposes a monetary contribution for quality and quantity control. The SWM Monetary Contribution Rate is \$12,000/impervious acre for quality control and \$40,000/impervious acre for quantity control.

This SWM concept is approved subject to the following conditions, which must be addressed at the detailed engineering stage.

1. Provide safe conveyance of storm flows.
2. Payment of any SWM monetary contributions for the areas that cannot be managed onsite is required prior to DPW permit issuance to satisfy the City's SWM regulations. The contribution is estimated at \$3,640 (\$52,000 x 0.07 acres).

The engineer must confirm the imperviousness with DPW staff during final engineering plan review. If the imperviousness associated with this project changes in the final design, the monetary contribution shall be adjusted accordingly.

The contribution, payable by check to City of Rockville, should be submitted to this office with a reference to SMP2007-00015 in the memo field. If you have any questions, please contact Jim Woods, Civil Engineer II, at 240-314-8521.

Sincerely,

Susan Straus, P.E.
Chief Engineer/Environment

STS/JW/mbw

cc: Geoff Ciniero, Johnson Bernat Assoc., Inc.
James Woods, Civil Engineer II
Margaret Hall, Planner II
Permit Plan
Admin File/Day File

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November 27, 2006

Sean Moore
Corporate Office Properties Trust
6711 Columbia Gateway Drive, Suite 300
Columbia, MD 21046-2104

Dear Mr. Moore;

I am writing to confirm the substance of our November 21, 2006 telephone conversation on the subject of COPT's proposed project at 45 West Gude Drive.

It is my understanding that of the three different submittals for that project (the initial Use Permit amendments, the options described in your November 9, 2006 memorandum, and last week's building permit application pursuant to the approved Use Permit), you wish the City to give its continued attention to the options presented in the November 9, 2006 memorandum. You stated that COPT would like to continue pursuing the options presented in the November 9, 2006 memorandum, and see if a scheme can be worked out to save more of the trees in the buffer area.

You further stated that the application for a building permit was made on the advice of your attorney, and only for the purpose of keeping open the option of proceeding under the approved Use Permit, and acknowledged that you have chosen to not file the associated Forest Conservation Plan, but understand it is required prior to the issuance of any building permit.

We look forward to working with you toward achieving the completion of your project in a manner that will maximize the conservation of trees in the buffer zone.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Scott Ullery", is written over the typed name and title.

Scott Ullery
City Manager

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Larry Giammo

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bcc
Art Chambers

January 2, 2007

Sean Moore
Commercial Office Properties Trust
6711 Columbia Gateway Drive, Suite 300
Columbia, MD 21046

Re: Building Permit Application BLD2007-13010 and "Scheme B" Proposal

Dear Mr. Moore:

The above-referenced building permit was submitted to the Inspection Services Division on November 20, 2006. The Building Permit cannot be approved as submitted because the building footprint does not match the footprint shown on the approved site plan for Use Permit USE1983-00279. In addition, the compact parking spaces that were approved in 1983, but not built, are no longer valid per the Zoning Ordinance, and have not been eliminated from the site plan through approval of a Use Permit amendment.

The subject application filed under the approved Use Permit requires approval of a Forest Conservation Plan (FCP) prior to the issuance of any permits. The City's Forestry Division has reviewed the application and determined the City could not approve an FCP for this site based on this application. The existing forest located between the buildings and the King Farm property has been designated as a Priority Retention Area pursuant to Section 10.5-21(b) of the Forest and Tree Preservation Ordinance. That section requires that priority retention areas "...be retained, protected and left in an undisturbed condition unless it is demonstrated, to the satisfaction of the City Forester, that reasonable efforts have been made to protect them and the proposed development activity cannot be reasonably altered." The City Forester has determined that reasonable efforts have not been made to alter the proposed development in a manner that can be implemented under existing law so as to protect and preserve this priority forest. Consistent with the law and the stated policy of the Mayor and Council to maximize the number of existing trees retained on a development site, the City will not permit forest to be cleared below the forest conservation break-even point resulting in a reforestation requirement. All forest retention and significant tree replacement planting must be met on site. Fee in lieu or off site planting will not be permitted.

As an option to the building permit application, COPT has proposed changes to the site plan. I am taking this opportunity to address several issues noted in your memorandum of November 9, 2006, necessary to implement the design known as "Scheme B." Variances from Sections 25-411(a), 25-411(f) and 25-311, Table II were noted as necessary to implement "Scheme B". There are, however, no provisions in the Ordinance to allow for variances other than for area, bulk or density. Sections 25-411(a) and (f) deal with minimum parking space width and required landscaping islands

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Sean Moore
Page 2
January 2, 2007

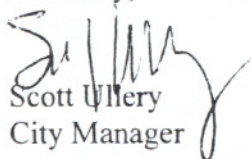
within parking lots that contain over 150 parking spaces. Neither of these provisions qualifies as area, bulk or density requirements. (The setback standards in Section 25-311 do qualify, and an application may be submitted for action by the City of Rockville Board of Appeals.) As a result, the only process available to gain relief from the standards of Section 25-411 would be through a Text Amendment. It is not likely, however, that a reduced parking space width would be favorably received by the City.

Two of the issues identified in your memorandum involve release of a portion of an existing forest conservation easement along West Gude Drive and the abandonment or release of a stormwater management easement on the southwest corner of the property. A small amount of disturbance to the lesser priority forest within the forest conservation easement adjacent to West Gude Drive is a reasonable compromise in order to retain more of the priority forest between the COPT property and the King Farm Development. City staff would support abandonment or release of the stormwater management easement on the southwest corner of the property.

The City will not be able to accommodate your request to expedite the variances. Not only are we unable to process variances for relief from Section 25-411, a moratorium was placed on the processing of Text Amendments effective November 13, 2006. Further, we are unable to process the current Building Permit submittal because it does not match the footprint approved with Use Permit USE1983-00279 and there is no approved Forest Conservation Plan on file.

We appreciate COPT's attempts to work with the City to achieve the goal of reducing the destruction of trees on the site. It is regrettable that neither "Scheme B" nor the building permit application could accomplish this goal. We encourage COPT to continue efforts to design a project that will comply with the City's Forest and Tree Preservation Ordinance, and we are committed to assist you toward that end.

Sincerely,


Scott Ullery
City Manager

MAYOR
Larry Giammo

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CITY MANAGER
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City of Rockville
Department of Recreation and Parks
Forestry Division

Forest Conservation Plan Review for
Rockville Corporate Center
15 and 45 West Gude Drive

Applicant:	Sean Moore	FTP No.	2005-00025
	Corporate Office Properties Trust	Date:	January 19, 2007
	8815 Centre Park Drive, Ste. 400	Reviewer:	Elise Cary
	Columbia, MD 21045	Contact:	Wayne Noll
	sean.moore@copt.com	App. rec'd:	January 18, 2007

The following review comments are based on the January 18, 2007 FCP submission. The forty-five day review period is suspended until the following revisions are made:

1. The FCP worksheet should be revised to show the correct amount of forest on site: 8.7 acres. The amount of forest shown on the NRI was not tabulated correctly. The total forest on site consists of forest areas F1 (5.15 ac.), WD (1.21 ac.) and FC (2.34 ac.).
2. The City Forster has determined per Section 10.5-21(b) of the Forest and Tree Preservation Ordinance that reasonable efforts have NOT been made to protect the priority forest. Therefore, the site layout should be revised to preserve at least 2.34 acres of priority forest in addition to the 2.34 acres of forest already in easement. This will bring the total forest saved to the break-even point for forest conservation and reforestation would not be required.
 - a. Significant replacement trees are required per Section 10.5-22(a) for all other tree removals including significant trees within the forest.
 - i. All significant replacement trees must be planted on site.
3. Depending on what the revised site layout shows, notification to the King Farm Citizen's Association may be necessary if any of the trees on their property are being impacted by the proposed development.
4. No more than one or two replacement trees may be located within the CRZ of a tree to be saved.
5. Spacing for replacement trees shall be as follows:
 - a. Evergreen trees shall be spaced at least 15 feet on center.
 - b. Ornamental trees shall be spaced at least 15 feet on center.
 - c. Shade trees shall be spaces at least 20 fee on center.
6. Root pruning will be required for trees impacted by the limits of disturbance.
 - a. Other protective measures shall be recommended by an ISA Certified Arborist for trees to be saved including: limb pruning, fertilization, dead wooding, etc.

Submit two copies of the revised Forest Conservation Plan to:

Elise Cary

Assistant City Forester

City of Rockville

14625 Rothgeb Drive

Rockville, MD 20850-5312

Phone: 240-314-8710

Fax: 240-314-8719

Email: ecary@rockvillemd.gov

Cc: Wayne Noll, City Forester



City of Rockville
Department of Recreation and Parks
Forestry Division

Forest Conservation Plan Review for
Rockville Corporate Center
15 and 45 West Gude Drive

Applicant:	Sean Moore	FTP No.	2005-00025
	Corporate Office Properties Trust	Date:	February 26, 2007
	8815 Centre Park Drive, Ste. 400	Reviewer:	Elise Cary
	Columbia, MD 21045	App. rec'd:	January 18, 2007
	sean.moore@copt.com		

The following review comments are based on the January 18, 2007 FCP submission to the City Forester's office. The plan was reviewed despite several inconsistencies with the approved Use Permit (U-279-83 approved on October 12, 1983). These discrepancies include: the as-built parking lot configuration, building footprint for Lot D, and a two foot increase in the parking lot setback along the northern property line. The forty-five day review period is suspended until the following revisions are made:

1. The FCP worksheet should be revised to show the correct amount of forest on site: which is 8.7 acres. The amount of Total Forest Acreage shown on the approved NRI Forest Stand Chart was not tabulated correctly. The total forest on site consists of forest areas F1 (5.15 ac.), WD (1.21 ac.) and FC (2.34 ac.), which equals 8.7 ac. This will also result in a revised reforestation requirement.
2. Maximizing forest and tree preservation on site is a stated policy of the Mayor and Council and is consistent with the Forest and Tree Preservation Ordinance (FTPO). The FCP is not consistent with the FTPO and is deficient in the following ways:
 - a. Based on the approved FSD prepared by CNA, forest stands F1 and WD are considered priority retention areas per Section 10.5-21(b) of the FTPO. Under this Section priority forests must be retained and left undisturbed unless the City Forester has determined that reasonable efforts have been made to preserve this forest, and the plan cannot be reasonably altered to preserve this forest. The FCP, as prepared, preserves less than 10% of the 6.36 acres of priority forest and it has not been demonstrated that the site layout cannot be reasonably altered to preserve this forest. Furthermore, under Section 10.5-13 of the FTPO, written justification for disturbing priority retention areas is required and has not been provided to the City Forester.
 - b. The amount of forest cleared by the site layout results in a significant reforestation requirement (3.9 acres). The FCP proposes to meet this requirement through off-site planting or fee-in-lieu. The preferred sequence for reforestation as listed in Section 10.5-23 of the FTPO is to provide all required planting on site.
 - i. The plan as prepared does not provide for any of the reforestation on site. Furthermore, the City does not have any off-site locations on City property for planting this amount of forest. The applicant has not proposed any off-site locations within the City for reforestation on private property.

- ii. According to Section 10.5-24 of the FTPO, a contribution to the Forest Conservation Fund in the form of fee-in-lieu may be permitted with approval of the City Forester, only after it has been demonstrated to the satisfaction of the City Forester that reforestation on or off-site cannot be accomplished.
- c. The location of the existing Forest Conservation Easement (FCE) on the King Farm property must be shown on the plan. Written notification to the King Farm Citizen's Assembly is required stating that the proposed development impacts trees on their property. In addition, the adjacent gas line easement and all other on-site easements must be shown.
- d. All significant trees must be shown on the plan. Under Section 10.5 of the FTPO, the definition of a significant tree includes trees six inches diameter at breast height (DBH) and greater within 25 feet of the limits of disturbance.
- e. The review of the tree replacement planting plan cannot be completed until all significant trees are shown.
 - i. The location of all significant trees must be shown in order to determine appropriate locations for replacement tree planting.
 - ii. No more than one or two replacement trees may be planted within the critical root zones of trees to be saved.
 - iii. Replacement and reforestation trees cannot be planted over existing or proposed utilities.
 - iv. Trees must be planting within a minimum seven-foot wide tree lawn.
 - v. Spacing for replacement trees shall be as follows:
 - 1. Shade trees: 20' minimum
 - 2. Evergreen trees: 15' minimum
 - 3. Ornamental trees: 15' minimum
- f. Under Section 10.5-13 of the FTPO, details and specification of protective devices and measures to be used prior to and during construction activities to protect forest and significant trees must be shown.
- g. The Sediment Control Plan must be submitted to ensure consistency with the FCP. The review of the FCP cannot be completed until this plan is submitted to Forestry.
- h. The FCP must be consistent with Community Planning and Development Services and Public Works requirements.

The FCP cannot be approved as submitted. The plan must be revised to meet the FTPO requirements listed above.

Upon approval of the FCP, a bond, Executed Warranty and Maintenance Agreement and recorded Forest and Tree conservation Easement and Declaration of Covenants are required before any permits are released.

Submit two copies of the revised Forest Conservation Plan to:

Elise Cary

Assistant City Forester

City of Rockville

14625 Rothgeb Drive

Rockville, MD 20850-5312

Phone: 240-314-8710

Fax: 240-314-8719

Email: ecary@rockvillemd.gov

Cc: Wayne Noll, City Forester
Charles Baker, Chief of Inspection Services
Jim Wasilak, Chief of Planning
Susan Straus, Chief Engineer-Environment

Kevin Johnson, President, JBA, Inc.



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April 5, 2007

Mr. Sean Moore
Commercial Office Properties Trust
Suite 300
Columbia, Maryland 21046

Re: Building Permit Application Number BLD2007-13010

Dear Mr. Moore:

We are in receipt of the Building Permit application referenced above. Prior to review of the construction plans by this office, sign-off routings are sent to the various departments and divisions having approval authority over the development. At this time, denials have been received from two divisions. Planning has denied the application, with notes that indicate it does not match the Use Permit on file, violates the parking requirements of the Zoning Ordinance which does not allow compact parking spaces, and that no valid Use Permit exists. Forestry has also denied the application with notes indicating that the Forest Conservation Plan cannot be approved as prepared. Attached are copies of written comments from the Planning and Forestry divisions containing more detailed explanations.

Inasmuch as the Planning and Forestry divisions will not approve the Building Permit application for the reasons set forth in the attached documents, this office will not be able to further process Building Permit Application Number BLD2007-13010 and cannot issue a building permit based on that application.

Should you have any questions, please feel free to contact me at (240) 314-8240.

Sincerely,

Charles T. Baker
Chief of Inspection Services

Enclosures

Cc: Scott Wallace, Esquire

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Larry Giammo

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April 5, 2007

Mr. Sean Moore
Commercial Office Properties Trust
6711 Columbia Gateway Drive
Suite 300
Columbia, Maryland 21046

Re: Building Permit Application Number BLD2007-13010,
Lot 1, Block R, Vitro Addition to College Gardens

Dear Mr. Moore

Planning Division review of the above-referenced Building Permit application has been completed. The application is for the construction of the third of four buildings originally approved in 1983 by Use Permit U-279-83.

This is to inform you that the building plans accompanying the permit application are unacceptable in that the footprint of the proposed new building differs from the footprint shown on the approved site plan associated with the use permit. In addition, the building plans must be revised to substitute full sized parking spaces for the proposed new compact sized parking spaces, as compact spaces are no longer permitted in the City. Moreover, the plans must be adjusted as necessary to satisfy the concerns identified by the Forestry Division in its review of the building permit application.

Ordinarily it might be possible to remedy the deficiencies identified above with a Use Permit Amendment. A Use Permit Amendment, however, does not appear to be a viable option in this case, in that the City Attorney's Office has advised us that a 2004 Text Amendment to the Zoning Ordinance¹ mandates that construction of all buildings in a multi-phased development outside the Town Center zones and the Twinbrook Metro Performance District must be commenced within 8 years. Specifically, Section 25-193(e) of the Zoning Ordinance now states that "a use permit shall become void for those buildings within a multiple building development for which construction has not commenced within eight (8) years from the date of issuance of the use permit..." Since amended section 25-193 makes no accommodation for previously approved use permits, the subject property is now subject to the 8-year time limitation, and Use Permit U-279-83 is void with respect to the two unconstructed buildings.

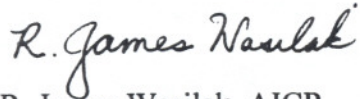
Even without the change in the Zoning Ordinance resulting from the 2004 Text Amendment, there is a strong likelihood that changes to the site plan necessary to address the Forestry Division's requirements will be so substantial as to require the submission of a new Use Permit application.

¹ Ordinance No.28-04 granted Text Amendment Application TXT2004-00207.

Mr. Moore
April 5, 2007
Page 2

For the above reasons, it is not possible for the Planning Division to approve Building Permit Application BLD2007-13019.

Sincerely,

A handwritten signature in cursive script that reads "R. James Wasilak".

R. James Wasilak, AICP
Chief of Planning

Cc: Charles T. Baker, Chief of Inspection Services